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3707 (LC 0101 PUS)

REMARKS

Claims 12-17 and 19 are currently pending in the above application.

Claims 14 and 15 stand rejected under 37 CFR 1.75(d)(1) and MPEP 608.01(o) as not providing proper antecedent basis for the recited melt index and density ranges. In response to this rejection, Applicants have amended the detailed description to include specific reference to the claimed melt index and density ranges. Applicants note that claims 14 and 15, as originally filed, contained the claimed ranges and as such the introduction of these ranges to the detailed description does not constitute new matter. As such, the rejection of claims 14 and 15 is overcome.

Claim 19 stands rejected under 37 CFR 1.75(d)(1) and MPEP 608.01(o) as not providing proper antecedent basis for the recited temperature range. Applicants respectfully disagree, noting that the desired range of temperatures is listed on paragraph 0024, line 7, of the originally filed detailed description. Reconsideration of claim 19 is thus respectfully requested.

Claims 12-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudkins et al. (U.S. Patent No. 6,296,733) in view of Bell et al. (U.S. Patent No. 6,787,593). Applicants respectfully traverse the Examiner's rejection. In traversing this rejection, Applicants first reiterate previous comments provided in preceding Responses regarding Hudkins et al.

Bell et al. discloses the use of highly filled metallocene ethylene-octene copolymers for use in a sound-deadening backing sheet for use in unsupported sheets, parts or carpet backing. The highly filled nature of these materials, along with the properties of the polymeric backbone, form composite materials having far superior sound absorbing capabilities while meeting the demand of balanced properties of impact strength, tensile,

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elongation, flex modulus and specific gravity. These composite materials also satisfy the requirements of resistance to cold, mildew fogging and flammability.

As one of ordinary skill in the relevant arts recognizes, however, the melt flow properties of compositions based on metallocene ethylene-octene copolymers having a melt index of between 1 and 10 are substantially different than the melt flow properties of compositions based on metallocene ethylene-octene copolymers having a melt index of between 25 and 35. The higher melt index material would flow more easily in a mold under standard molding conditions as compared with a lower melt index material.

In fact, Applicants respectfully submit that highly filled metallocene ethylene-octene copolymers in the melt range of 1-10 would not be able to flow within a mold and form the intricately shaped nibs on a visible outer surface of the recyclable, rubber-like thermoplastic material. Instead, the backing material formed would have incompletely formed nibs that would easily break off during subsequent use. Further, Applicants respectfully submit that the metallocene ethylene-octene copolymers in the melt range of 25-35 would be able to flow within a mold and form the intricately shaped nibs on a visible outer surface of the recyclable, rubber-like thermoplastic material.

Thus, the highly filled polymeric structure of Bell et al. based on metallocene ethylene-octene copolymers having a melt index of between 1 and 10 would not form the rubber-like thermoplastic mat claimed in the present invention. As such, the combination of Hudkins and Bell et al. does not teach the presently claimed invention, contrary to the Examiner's conclusion. Reconsideration of claims 12-17 and 19 is thus respectfully requested.

Further, while the Examiner attempts to take judicial notice is made of Exact[®] 4023 having a melt index of 30 with respect to claims 14 and 15, it is important to note that this particular version of Exact[®] is not mentioned in the Bell et al. disclosure, presumably because this material is not filled sufficiently to form a sound deadening material having the

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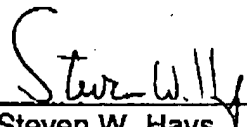
desired mechanical characteristics and further because it falls outside the range of melt indexes discussed.

As such, claims 12-17 and 19 are not obvious in view of the combination of cited references. Reconsideration of claims 12-17 and 19 is thus respectfully requested.

Applicants respectfully suggest that claims 12-17 and 19 are allowable. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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